

Article - Environment

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§4–607.

(a) No fee may be imposed after June 30, 1996 and no loan may be made under the provisions of or for the purposes of this subtitle, or in accordance with regulations adopted under this subtitle, after December 31, 1998.

(b) (1) In fiscal year 1997, the Secretary shall transfer \$3 million from the Underground Storage Tank Upgrade and Replacement Fund to the Oil Contaminated Site Environmental Cleanup Fund established under Subtitle 7 of this title.

(2) Except as provided in paragraph (3) of this subsection, in fiscal year 1998, the Secretary shall transfer \$3 million from the Underground Storage Tank Upgrade and Replacement Fund to the Oil Contaminated Site Environmental Cleanup Fund established under Subtitle 7 of this title.

(3) If a number of tank owners submit loan processing forms and moneys are not sufficiently available for making the unanticipated loans, the Secretary may only retain an amount of money, up to \$3 million, in the Underground Storage Tank Upgrade and Replacement Fund in fiscal year 1998 to cover the liability of the unanticipated loans.

(c) (1) The Secretary may only transfer moneys from the Underground Storage Tank Upgrade and Replacement Fund, first, and then from the Oil Contaminated Site Environmental Cleanup Fund to the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund established under Subtitle 4 of this title.

(2) The Secretary may only transfer the money, as provided for in paragraph (1) of this subsection, if:

(i) Money in the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund, reserved for the circumstances set forth in subsection (d)(3) of this section, falls below \$250,000 because of oil spill incidents, provided that the reserve balance of the Fund may not exceed \$1 million after the transfer; or

(ii) There is a major oil spill and sufficient funds are not available in the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund.

(3) The money transferred to the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund, as provided for in paragraph (2)(ii) of this subsection, may not exceed the Department's direct costs to remediate the major oil spill.

(4) If moneys transferred under paragraph (2) of this subsection are recovered, the Department shall return the recovered moneys to the funds in the following order:

(i) To the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund as needed to maintain a reserve balance not to exceed \$1 million;

(ii) To the Oil Contaminated Site Environmental Cleanup Fund, in an amount not to exceed the amount transferred to the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund under paragraph (2) of this subsection; and

(iii) To the Underground Storage Tank Upgrade and Replacement Fund, any remaining recovered moneys.

(d) (1) On or after January 1, 1999 but no later than June 30, 1999, any funds remaining in the Underground Storage Tank Upgrade and Replacement Fund shall be credited in the following manner:

(i) 50% to the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund; and

(ii) 50% to the Oil Contaminated Site Environmental Cleanup Fund.

(2) Any future loan repayments made on or after January 1, 1999 shall be credited to the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund.

(3) The funds identified in paragraphs (1)(i) and (2) of this subsection shall only be used by the Department for cases in which a responsible party cannot be located or the responsible party does not have sufficient assets to take adequate remedial action or refuses to take remedial action for:

(i) The clean-up and removal of an underground storage tank;
or

(ii) The clean-up of a petroleum release.

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